

**PLANNING COMMISSION RESOLUTION 2006-007
CONDITIONS OF APPROVAL - ADOPTED
SITE DEVELOPMENT PERMIT 2005-849
COLIN McDERMOTT
JANUARY 24, 2006**

EXHIBIT "A"

GENERAL CONDITIONS OF APPROVAL

1. Site Development Permit (SDP) 2005-849 shall be developed in compliance with these conditions and all approved site plan, elevation, color, materials and other approved exhibits submitted for this application, and any subsequent amendment(s). In the event of any conflicts between these conditions and the provisions of SDP 2005-849, these conditions shall take precedence.
2. SDP 2005-849 shall comply with all applicable conditions and/or mitigation measures for the following related approvals:
 - Environmental Assessment 2000-405
 - Specific Plan 2000-049
 - Tentative Parcel Map 29889

In the event of any conflict(s) between approval conditions and/or provisions of these approvals, the Community Development Director shall determine precedence.

3. This approval shall expire two years after its effective date, as determined pursuant to Section 9.200.060.C of the Zoning Code, unless extended pursuant to the provisions of Section 9.200.080.
4. The applicant agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Site Development Permit. The City shall have sole discretion in selecting its defense counsel. The City shall promptly notify the developer of any claim, action or proceeding and shall cooperate fully in the defense.
5. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies:
 - Riverside County Fire Marshal
 - La Quinta Building and Safety Department
 - La Quinta Public Works Department
(Grading/Improvement/Encroachment Permits)
 - La Quinta Community Development Department

- Riverside County Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Southern California Gas Company
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- Waste Management of the Desert
- South Coast Air Quality Management District, Coachella Valley

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting those plans for City approval.

6. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water), LQMC; Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ.
7. All aspects of this project (plan preparation, all construction phases, operations, etc.) shall be subject to and comply with the adopted Mitigation Monitoring Program and Negative Declaration (EA 2000-405), as certified by the La Quinta City Council for Specific Plan 2000-049.

PROPERTY RIGHTS

8. Prior to the issuance of any permit(s), the applicant shall acquire, or confer, those easements, and other property rights necessary for the construction and/or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services, and for the maintenance, construction and reconstruction of essential improvements.
9. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction and

reconstruction of essential improvements. Additionally, the applicant shall enter into reciprocal access and maintenance agreements with other parcels in Parcel Map No. 29889 and submit documentation to the Community Development Department.

10. Direct vehicular access to Avenue 47 is restricted, except for those access points identified on the approved Parcel Map No. 29889. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur.
11. The applicant shall enter into a reciprocal easement agreement with all parcels within Parcel Map No. 29889 for all common use access driveways and parking lot infrastructure.

IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect," refer to persons currently certified or licensed to practice their respective professions in the State of California.

12. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of Section 13.24.040 (Improvement Plans), LQMC.
13. The following improvement plans shall be prepared and submitted for review and approval by the Public Works Department. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note, the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.
 - A. On-Site Commercial Precise Grading Plan 1" = 30' Horizontal
 - B. PM10 Plan 1" = 40' Horizontal

The applicant shall prepare an accessibility assessment on annotated print of the building floor plan identifying every building egress and notes the 2001 California Building Code accessibility requirements associated with each

door. The assessment must comply with submittal requirements of the Building & Safety Department. A copy of the reviewed assessment shall be submitted to the Engineering Department in conjunction with the Site Development Plan when it is submitted for plan checking.

"On-Site Precise Grading" plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA requirements, to include ADA accessibility routes to public streets and other buildings within Parcel Map 29889.

14. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the Online Engineering Library at the City website (www.la-quinta.org). Navigate to the Public Works Department home page and look for the Online Engineering Library hyperlink.
15. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

FIRE PROTECTION

16. Applicant shall comply with all requirements of the Fire Marshal. More specific, detailed requirements shall be addressed at time plans are submitted for plan checking. Building plans shall be submitted to the Fire Department for plan review, to run concurrent with City plan checking.

GRADING

17. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, LQMC. The applicant shall

furnish security, in a form acceptable to the City, in an amount sufficient to guarantee compliance with the provisions of the permit.

18. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction. The data shall be organized by lot number and listed cumulatively if submitted at different times.
19. Handicap access and facilities shall be provided in accordance with Federal (ADA), State and local requirements. Handicap accessible parking shall generally conform with the approved Rough Grading and Parking plan for Parcel Map No. 29889. Applicant shall include in the On-site Precise Grading Plan transitional improvements between the building and parking areas to comply with ADA requirements and City Standards.

DRAINAGE

20. Stormwater handling shall conform with the approved hydrology and drainage report for Parcel Map No. 29889 as applied to this site development permit. Nuisance water shall be disposed of in an approved manner. The applicant shall demonstrate to the Public Works Department's satisfaction, the ability of the existing drainage system to accept the stormwater flow in Lake La Quinta.

UTILITIES

21. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
22. Utilities shall be installed prior to overlying hardscape. For installation of utilities in existing improved streets, the applicant shall comply with trench restoration requirements maintained, or required by the City Engineer. The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

PARKING LOTS and ACCESS POINTS

23. The applicant may be required to reconfigure existing parking facilities to conform with requirements of the LQMC Chapter 9.150 (Parking) and ADA requirements aforementioned in GRADING.

Entry drives, main interior circulation routes, corner cutbacks, bus turnouts, dedicated turn lanes, ADA accessibility route to public streets and other features shown on the approved construction plans, may require additional street widths and other improvements as may be determined by the City Engineer.

CONSTRUCTION

24. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs.

LANDSCAPING

25. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and parking lot areas.
26. Landscape and irrigation plans for landscaped lots and setbacks, retention basins, common lots and parking lot areas shall be signed and stamped by a licensed landscape architect.
27. The applicant shall submit the landscape plans for plan checking to the Public Works Department, for review by Public Works and the Community Development Department (CDD). When plan checking has been completed by these Departments, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for final approval by the City Engineer and CDD.
28. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 18 inches of curbs along public streets.

29. The preliminary landscape plan for SDP 2005-849 shall be revised, to incorporate two shrub and two accent species from the approved plant palette for Specific Plan 2000-049, selected to be compatible with existing landscaping employed throughout the Specific Plan area for the La Quinta Professional Plaza. The Chilean Mesquite tree species shall be replaced with Argentine Mesquite. The landscape plan shall be submitted through the Public Works Department for plan checking by both the Public Works and Community Development Departments

QUALITY ASSURANCE

30. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
31. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
32. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans, specifications and applicable regulations.
33. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all improvement plans which were signed by the City. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.

MAINTENANCE

34. The applicant shall make provisions for the continuous and perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

FEES AND DEPOSITS

35. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.
36. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

MISCELLANEOUS

37. The applicant shall submit a detailed building lighting plan, to include exterior fixture details and outdoor perimeter walkway and accent lighting. Details and specifications for each fixture to be used shall be provided with said plan. The lighting plan shall be approved by the Building and Safety and Community Development Departments, prior to issuance of a building permit.
38. All roof-mounted mechanical equipment must be screened and installed using compatible architectural materials and treatments, in a manner so as not to be visible from surrounding properties and streets. Working drawings showing all such equipment and locations shall be submitted to the Building and Safety Department along with construction plan submittal for building permits. Method and design of screening must be approved by the Community Development Department prior to any issuance of building permits related to structures requiring such screening.
39. Tenant spaces for the building as approved under SDP 2005-849 shall be limited to 3,400 s.f. of general office use. Any proposal for more parking-intensive uses shall be reviewed by the Community Director, and may be approved based on a determination that parking in the entire complex will not be adversely affected by approval of the proposed use.